

Translation

PATENT COOPERATION TREATY

PCT/EP2003/006261



PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY  
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 203 05 922	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2003/006261	International filing date (day/month/year) 13 June 2003 (13.06.2003)	Priority date (day/month/year) 20 March 2003 (20.03.2003)
International Patent Classification (IPC) or national classification and IPC E06B 7/23		
Applicant ADOLF SEUSTER GMBH & CO. KG		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☐ (sent to the applicant and to the International Bureau) a total of \_\_\_\_\_ sheets, as follows:

☐ sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (sent to the International Bureau only) a total of \_\_\_\_\_, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

☒ Box No. I Basis of the report

☐ Box No. II Priority

☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

☒ Box No. IV Lack of unity of invention

☒ Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

☐ Box No. VI Certain documents cited

☐ Box No. VII Certain defects in the international application

☐ Box No. VIII Certain observations on the international application

Date of submission of the demand 02 February 2004 (02.02.2004)	Date of completion of this report 01 August 2005 (01.08.2005)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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## Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

- ☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is language of a translation furnished for the purpose of:
- ☐ international search (under Rules 12.3 and 23.1(b))
  - ☐ publication of the international application (under Rule 12.4)
  - ☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:

- ☐ The international application as originally filed/furnished
- ☒ the description:
- pages \_\_\_\_\_ 1-12 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the claims:
- pages \_\_\_\_\_ 1-13 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_, as amended (together with any statement) under Article 19
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☒ the drawings:
- pages \_\_\_\_\_ 1/2, 2/2 \_\_\_\_\_, as originally filed/furnished
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/figs \_\_\_\_\_
- ☐ the sequence listing (*specify*): \_\_\_\_\_
- ☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. IV Lack of unity of invention

1. ☐ In response to the invitation to restrict or pay additional fees the applicant has:
- ☐ restricted the claims.
  - ☒ paid additional fees.
  - ☐ paid additional fees under protest.
  - ☐ neither restricted nor paid additional fees.
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with.
  - ☒ not complied with for the following reasons:  
See supplemental box.
4. Consequently, this report has been established in respect of the following parts of the international application:
- ☒ all parts.
  - ☐ the parts relating to claims Nos. \_\_\_\_\_

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: IV.3

**Lack of unity of invention**

1. This Authority has found that the international application contains several inventions or groups of inventions which are not so linked as to form a single general inventive concept (PCT Rule 13.1), namely:

I: Claims 1, 2-11:

Roll-type door comprising an elastically deformable stabilization element which is arranged on the lower edge of the closure element and which comprises a leaf spring.

II: Claims 1, 12 (when dependent on claim 1), 13

Roll-type door comprising a run-in arrangement mounted on the upper edge of the guide element.

2. The reasons are as follows:

Document EP-A-0 143 712 (D1) discloses all the features of claims 1 and 2, namely a roll-type door comprising an elastically deformable stabilization element in the form of a strip-like hanging element arranged in the region of the lower edge thereof when in the closed position. The restoring force which acts against a deformation of the stabilization element in a direction opposite to the closing direction is less than the restoring force which acts against a deformation of the stabilization element in a transversal direction, more particularly approximately perpendicular to the closure element in the closed position.

**Supplemental Box**

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: IV. 3

First invention (claims 1, 2-11): Since D1 discloses the features of claims 1 and 2, the features of claim 3 (leaf spring), which are not known from D1, are considered to be special technical features (STFs) as defined in PCT Rule 13.2. These STFs solve the problem of "increasing the restoring force of the stabilization element in a direction transversal to the closed position".

Second invention (claims 1, 12, 13): The features of claim 12, namely a run-in device, are regarded as the STFs of the second invention in relation to D1, which solve the problem of "achieving reliable introduction of the lower edge of the hanging device into the guide rail".

3. The STFs of these two inventions are obviously not the same. Nor are they corresponding, because the different STFs relate to different problems to be solved (see above). Consequently, there is no technical relationship between these inventions (PCT Rule 13.2) which involves the same or corresponding special technical features. The single general inventive concept within the meaning of PCT Rule 13.2 is therefore lacking. The requirement of unity of invention as defined in PCT Rule 13.1 is therefore not satisfied.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

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## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

### 1. Statement

Novelty (N)	Claims	3-5, 7, 10	YES
	Claims	1, 2, 6, 8, 9, 11-13	NO
Inventive step (IS)	Claims	3-5	YES
	Claims	1, 2, 6-13	NO
Industrial applicability (IA)	Claims	1-13	YES
	Claims		NO

### 2. Citations and explanations

1. EP-A-0 143 712 discloses a roll-type door comprising an elastically deformable stabilization element (15) in the form of a strip-like hanging element (19) arranged in the region of the lower edge thereof when in the closed position. The restoring force which acts against a deformation of the stabilization element (15) in a direction opposite to the closing direction is less than the restoring force which acts against the deformation of the stabilization element (15) in a transversal direction, more particularly approximately perpendicular to the closure element in the closed position.

The present application does not comply with the requirements of PCT Article 33(1), because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).

2. All the features introduced by dependent claims 2, 6, 8, 9 and 11 are also known from EP-A-0 143 712. Consequently, the subject matter of these claims is not novel either.

3. Dependent claims 7 and 10 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for

novelty and inventive step, because the features are of a purely structural nature.

4. The combination of features in dependent claim 3 is neither known from, nor suggested by, the available prior art.
5. US-A-3 292 685 discloses a roll-type door with a closure element in the form of a strip-like hanging element in the region of the lower edge thereof when in the closed position, a guide element arranged on a lateral edge of the closure element, a guide element arranged on the upper edge of the closure element and a run-in arrangement mounted on the upper edge of the guide element, with which the lateral edge of the closure element can be introduced automatically into the guide element during a closing movement, the run-in arrangement having two mutually opposed limiting surfaces of the closure element with which the closure element is forced in opposite directions transversal to the direction of movement of the closure element.

The present application does not comply with the requirements of PCT Article 33(1), because the subject matter of claim 12 is not novel within the meaning of PCT Article 33(2).

6. All the features introduced by dependent claim 13 are also known from US-A-3 292 685. Consequently, the subject matter of claim 13 is not novel either.